

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24829 of 2006

Dated: 29.11.2006

Between:

P. Mahaboob Basha, S/o P. Nazeer, aged 30 years, Occ: Pole to Pole
Contract Worker, APCPDCL, R/o D.No.7/31-B2, Bhagya Nagar,
Guntakal and others.

.... PETITIONERS

AND

The A.P. Central Power Distribution Company Limited, rep. by its
Chairman and Managing Director, Red Hills, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Order:

This writ petition is filed seeking a Mandamus declaring the action of the respondents-APCPDCL in stipulating the educational qualification as ITI in Electrical/Wireman Trade or Intermediate Vocational Course in Electrical Trade, and fixing the maximum age limit as 35 years even for the petitioners, who have been working as contract labour in the respondents-APCPDCL for more than six years, for recruitment to the posts of Contract Junior Linemen, as illegal and arbitrary, and consequently to direct the respondents-APCPDCL to consider the cases of the petitioners by relaxing the upper age limit and duly exempting from the said qualifications.

2. When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents-APCPDCL and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the orders of the apex Court in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002, and the orders of this Court in W.P. No. 22579 of 2006, dated 01.11.2006, and both the counsel agreed to dispose of the writ petition in terms thereof.

3. Insofar as the relief sought by petitioner Nos.5, 6 and 10 with regard to relaxation of age is concerned, the apex Court, considered similar issue in Civil Appeal No. 3215 of 2002 and batch, and disposed of the same with the following observations:

“In our view, in the petitions before the High Court there was no question of considering public policy and the discussion

on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age casual employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.

In this view of the matter, the judgment rendered by the High Court cannot be sustained and is, therefore, set aside.

Ordered accordingly. Appeals stand disposed of.”

4. Insofar as prescribing the educational qualification as ITI in Electrical/Wireman Trade or Intermediate Vocational Course in Electrical Trade is concerned, this Court, considered similar issue in W.P. No. 22579 of 2006 and disposed of the same with the following observations:

“Having regard to the revised notification and the stand taken by the learned Standing Counsel for the respondents, the only direction that can be given in this writ petition is that the respondents-APSPDCL shall strictly adhere to Condition 6(b) of the revised notification and give priority to the petitioners at the time of considering their cases for selection to the posts of contract junior linemen.

With the above observation, the writ petition is disposed of. No costs.”

5. In the circumstances, this writ petition is also disposed of in terms of the orders passed in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002, and in W.P. No. 22579 of 2006, dated 01.11.2006. No costs.

N.V. RAMANA, J.

Date: 29.11.2006

NSR/GRR